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Sheet	1	of	1
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Approved for use through 07/31/2006. OMB 0651-0031  
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**Complete if Known**

Application Number	10/797,968
Filing Date	March 11, 2004
First Named Inventor	Darin Moore
Art Unit	2859
Examiner Name	Tiffany A. Fetzner
Attorney Docket Number	IMG.028

[illegible][illegible]

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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IMG.028

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Moore et al.

Serial Number: 10/797,968

Group Art No.: 2859

Filed: March 11, 2004

Examiner: Fetzner, Tiffany A.

For: Systems and Methods for Toner Cartridge Conversion

**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**SHOWING OF COMMON OWNERSHIP**

Dear Sir:

In the Official Action mailed on September 14, 2005, claims 1-9 of the present application were rejected under 35 U.S.C. § 103(a) Rogers et al. US Patent Application Publication 2003/0135836 ("Rogers"), which was published on June 23, 2005. No grounds that did not rely upon Rogers were cited in rejecting claims 1-9.

It is first respectfully noted that, the rejections of claims 1-9 were statutorily based upon 35 U.S.C. § 102(e) with respect to Rogers because Rogers was published after March 11, 2004, the filing date of the present application. 35 U.S.C. § 103(c), as applicable to all applications filed on or after November 29, 1999, states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

At the time the present invention was made, the present invention and Rogers were owned by, or subject to an obligation of assignment to, the same person, Static Control

Components, Inc. Pursuant to 37 C.F.R. § 3.73(b)(1)(i) and 37 C.F.R. § 3.73(b)(1)(ii), ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g. copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to §3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office; or

(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

The assignment information for the present invention Rogers are as follows:

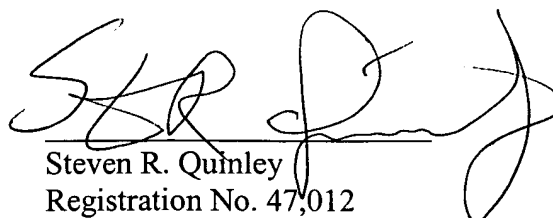
Present invention: Reel 015079, Frame 0781, recorded March 11, 2004; and

Rogers: Reel 014821, Frame 0840, recorded December 18, 2003.

All of these assignments convey the entire rights in the respective inventions to Static Control Components, a corporation of the State of North Carolina, having its principal place of business in Sanford, North Carolina. Thus, pursuant to 37 C.F.R. § 3.73(b)(1)(i) and 37 C.F.R. § 3.73(b)(1)(ii), it is respectfully submitted that the necessary showing of common ownership has been made.

Thus, 35 U.S.C. § 103(c) serves to exclude Rogers as prior art for the present application, because the filing of the present application herewith is subsequent to November 29, 1999.

Respectfully submitted,



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